



GAIL FARBER, Director

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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December 11, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

36 December 11, 2012

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**ADOPT, ADVERTISE, AND AWARD
EATON WASH CHANNEL IMPROVEMENTS AND
EATON WASH SPREADING GROUNDS BASIN ENLARGEMENT PROJECT
CITY OF PASADENA
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

This action is to approve the project for channel improvements and enlargement of a spreading grounds basin in the City of Pasadena; find this project categorically exempt from the provisions of the California Environmental Quality Act; adopt the plans and specifications; find that this project has designated products by specific brand name; call for bids; authorize the Chief Engineer or her designee to award and execute a consultant services agreement for the preparation of a baseline construction schedule and storm water pollution prevention plan for a fee not to exceed \$10,000 and a construction contract with the apparent responsible contractor with the lowest responsive bid; and delegate certain responsibilities to the Chief Engineer or her designee to carry out this project.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Find that this project is categorically exempt from the provisions of the California Environmental Quality Act.
2. Approve the project and adopt the plans and specifications that are on file in the Construction Division of the Department of Public Works for channel improvements and enlargement of a spreading grounds basin in the City of Pasadena, at an estimated construction contract cost between

\$2,000,000 and \$2,600,000.

3. Find that this project has designated the Obermeyer Gate System product by specific brand name.
4. Instruct the Executive Officer of the Board of Supervisors to advertise for bids to be received and opened on January 24, 2013, in accordance with the Instruction Sheet for Publishing Legal Advertisement.
5. Authorize the Chief Engineer or her designee to execute a consultant services agreement with the apparent responsible contractor with the lowest responsive bid to prepare a baseline construction schedule and a storm water pollution prevention plan for a fee not to exceed \$10,000 funded by existing project funds.
6. Authorize the Chief Engineer or her designee to award and execute a construction contract with the apparent responsible contractor with the lowest responsive bid within the estimated cost range, approve the Faithful Performance and Labor and Material Bonds and insurance submitted by the contractor, and deliver the project.
7. Delegate to the Chief Engineer or her designee the following authority in connection with this contract: (1) approve and execute change orders within the same monetary limits delegated to the Chief Engineer under Section 2.18.050 of the Los Angeles County Code relative to the construction of County buildings; (2) allow substitution of subcontractors and relief of bidders upon demonstration of the grounds set forth in Public Contract Code Sections 4100 et seq. and 5100 et seq., respectively; (3) accept the project upon its final completion; (4) release retention money withheld consistent with the requirements of Public Contract Code Sections 7107 and 9203; and (5) extend the date and time for the receipt of bids consistent with the requirements of Public Contract Code Section 4104.5.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to obtain approval of the project from the Board to adopt the plans and specifications, advertise for bids, and authorize the Chief Engineer or her designee to award and execute a consultant services agreement to prepare a baseline construction schedule and a storm water pollution prevention plan for a fee not to exceed \$10,000 funded by existing project funds and a construction contract with the apparent responsible contractor and the lowest responsive bid for the enlargement of a spreading grounds basin and channel improvements, and the performance of other appurtenant work.

The proposed consultant services agreement to prepare a baseline construction schedule and storm water pollution prevention plan that conforms to the County of Los Angeles' (County) specifications is critical to successfully manage construction activities by both the contractor and the County, and a responsible contractor must be able to produce these deliverables. Bid specifications provide that if the contractor fails to complete acceptable deliverables, the Department of Public Works (Public Works) may return to the Board to recommend that the contractor be determined nonresponsive and recommend awarding the construction contract to the next apparent responsible contractor with the lowest responsive bid contingent on that bidder completing deliverables which conform to the County's specifications.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Integrated Services Delivery (Goal 3). The recommended actions will help achieve these goals by providing increased capacity and improved operations of water conservation facilities that will reduce dependence on imported water thereby providing residents with a more economical and dependable source of water.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The estimated construction contract cost to complete this project is in the range of \$2,000,000 to \$2,600,000. The total project cost is estimated to be \$3,300,000. In addition to the construction contract cost, the total project cost includes comprehensive design alternatives and specifications, consultant services, survey, materials testing, inspection, contract administration, change order contingency, and other County services.

Funding for this project is available in the Fiscal Year 2012-13 Flood Control District Fund Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

This project, to contract for the enlargement of spreading grounds basin and channel improvements, is part of Public Works' ongoing program for the operation and maintenance of groundwater recharge facilities. It will be advertised in accordance with Section 20991 of the State Public Contract Code.

The plans and specifications designate a product by the specific brand or trade name. The product, a rubber dam diversion gate system, which consists of an inflatable dam constructed of materials highly resistant to vandalism, designed to eliminate vibration and precisely control flow is only manufactured by Obermeyer Hydro, Inc. Public Contract Code Section 3400 requires an awarding authority to make a finding that is described in the invitation for bids if a product is specified by specific brand or trade name if it is only available from one source. The Notice Inviting Bids contains the required language.

This project is to be completed in 120 working days. It is estimated the work will start in May 2013 and be completed in November 2013.

Delegating to the Chief Engineer or her designee the authority to award and execute this construction contract allows an expedited contracting process to obtain a contractor for channel improvements and enlargement of a spreading grounds basin.

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel.

The award of the contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. The project specifications contain provisions requiring the contractor to comply with terms and conditions supporting the Board's ordinances, policies, and programs including, but not limited to: the County of Los Angeles' (County) Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County

Workers, Board Policy No. 5.110); Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the Los Angeles County's Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; and the standard Board-directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure that the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by the contractor will be considered before making a recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

ENVIRONMENTAL DOCUMENTATION

This project is categorically exempt pursuant to Subsections 15301 (b) and 15302 (c) of the California Environmental Quality Act Guidelines and Class 1, Subsections (e), (1), (x)(8), and (x)(14), and Class 2, Subsection (e) of the revised County Environmental Document Reporting Procedures and Guidelines adopted by the Board on November 17, 1987. These classes involve the restoration and minor alteration of facilities and the replacement of existing structures.

CONTRACTING PROCESS

This project will be contracted on an open-competitive bid basis. A recommendation for award by the Chief Engineer or her designee will be made after review of the bids meeting the criteria established by the Board and the State Public Contract Code.

To increase contractor awareness of Public Works' program to contract work out to the private sector, this project will be listed on the County website for upcoming bids.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

When the project is completed, it will have a positive impact by increasing water recharge capacity and improving the operations of water conservation facilities that will reduce the dependence on

imported water thereby providing residents with a more economical and dependable source of water.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Construction Division.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER
Director

GF:JTS:ss

c: Chief Executive Office (Rita Robinson)
County Counsel
Executive Office
Internal Services Department (Countywide
Contract Compliance)